



128  
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,746	11/28/2000	Charles R. Szmarda	50640	6356
21874	7590	05/20/2004	EXAMINER	
EDWARDS & ANGELL, LLP P.O. BOX 55874 BOSTON, MA 02205			MAHMOUDI, HASSAN	
ART UNIT		PAPER NUMBER		
2175				9
DATE MAILED: 05/20/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/723,746	SZMANDA ET AL.
Examiner	Art Unit	
Tony Mahmoudi	2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 01 March 2004.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 19-32 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 19-32 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



DOV POPOVICI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date Z.	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### *Remarks*

1. In response to communications filed on 01-March-2004, the specification of the disclosure has been amended, claims 1-18 are cancelled, and new claims 19-32 are added per applicant's request. Therefore, claims 19-32 are presently pending in the application.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that said subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 19-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (U.S. Patent No. 6,226,617) in view of Sziklai et al (U.S. Patent No. 6,341,287), and further in view of Fahey (U.S. Patent No. 5,970,476.)

As to claim 19, Suzuki et al teaches a system for recycling raw materials from a plurality of streams generated by waste stream providers (see Abstract, and see column 1, lines 4-6), comprising:

a waste stream monitoring module (see column 4, lines 41-42) operable for:

monitoring a plurality of waste stream providers (see column 2, lines 58-63, where “monitoring production of items” is read on “realizing the appropriate treatment”); and

determining an amount of reusable raw materials contained in a plurality of waste streams resulting from the production (see figure 4, and see column 10, lines 1-11); a reusable materials database in communication with the waste stream monitoring module (see column 16, lines 9-13), the reusable materials database operable for storing the amount of reusable raw materials contained in the plurality of waste streams (see figure 4, see column 8, lines 49-54, and see column 10, lines 1-18);

wherein the reusable raw materials are available for purchase (see column 13, lines 5-22, and see column 17, lines 24-38);

a purchase price associated with each of the reusable raw materials, the purchase price stored in the reusable materials database (see column 16, lines 8-13, and see column 16, line 60 through column 17, line 3); and

Suzuki et al does not teach:

monitoring production of items produced; and

a waste stream provider interface and communications link operable for communicating production information from the plurality of waste stream providers to the waste stream monitoring module.

Sziklai et al teaches an integrated change management unit (see Abstract), in which he teaches:

monitoring production of items produced (see column 7, lines 25-33, see column 8, lines 25-31, and see column 32, lines 9-11); and

a waste stream provider interface and communications link operable for communicating production information from the plurality of waste stream providers to the waste stream monitoring module (see column 9, lines 27-42, and see column 11, lines 2-13.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Suzuki et al to include monitoring production of items produced; and a waste stream provider interface and communications link operable for communicating production information from the plurality of waste stream providers to the waste stream monitoring module.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Suzuki et al by the teachings of Sziklai et al, because including monitoring production of items produced; and a waste stream provider interface and communications link operable for communicating production information from the plurality of waste stream providers to the waste stream monitoring module, would allow a user (waste stream provider) to monitor the production process of recycled materials, and be able to interface with the manufactures to of waste recycling to supply information to the monitoring process and to the recycling materials database.

Suzuki et al as modified, still does not teach:

a user access interface and communications link operable for enabling a user to view the reusable raw materials, the user access interface in communication with the reusable materials database.

Fahey teaches an industrial data acquisition and product costing system and apparatus (see Abstract), in which he teaches a user access interface and communications link operable for enabling a user to view the reusable raw materials, the user access interface in communication with the reusable materials database (see figures 1A and 1B, see column 4, lines 1-6, and see column 11, lines 20-45.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Suzuki et al as modified, to include a user access interface and communications link operable for enabling a user to view the reusable raw materials, the user access interface in communication with the reusable materials database.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Suzuki et al as modified, by the teaching of Fahey, because a user access interface and communications link operable for enabling a user to view the reusable raw materials, the user access interface in communication with the reusable materials database, would enable the system to present information on re-usable materials to customers in order to facilitate the sales of such materials to interested users/clients, and would result in an efficient and effective access to enterprise wide activity based management information used to support strategic decision making with respect to pricing

strategies, profit planning, product mix, outsourcing, cost controls, capital investments, and services provided to customers, as taught by Fahey (see column 2, lines 15-53.)

As to claims 20 and 27, Suzuki et al as modified teaches further comprising a waste purchasing module operable for:

receiving a purchase request from the user (see Fahey, column 4, line 60 through column 5, line 17) via the user access interface and communications link the user access interface in communication with the waste purchasing module (see Sziklai et al, column 9, lines 27-42, and see column 11, lines 2-13);

selecting a suitable waste stream provider based upon the purchase request; and issuing a purchase order to the suitable wade stream provider for fulfilling the purchase request (see Fahey, column 11, lines 20-32.)

As to claims 21 and 28, Suzuki et al as modified teaches further comprising a recovery plant in communication with the suitable waste stream provider, the recovery plant receiving at least one of the plurality of waste streams from the suitable waste stream provider (see Suzuki et al, column 11, lines 14-21);

wherein the recovery plant recovers a specified amount of the reusable raw materials (see Suzuki et al, column 24, lines 20-52.)

As to claims 22 and 29, Suzuki et al as modified teaches wherein the specified amount of the reusable raw material is transported to a location indicated by the user (see Suzuki et al,

column 27, line 31 through column 28, line 37, and see column 33, lines 47-56, also see Fahey, column 8, lines 30-42.)

As to claims 23 and 30, Suzuki et al as modified teaches wherein the waste purchasing module updates amounts of available reusable raw materials in the reusable materials database based on receipt of the reusable raw transported to the location (see Suzuki et al, column 10, line 66 through column 11, line 13, and see Fahey, column 10, lines 49-61.)

As to claims 24 and 31, Suzuki et al as modified teaches wherein one of the plurality of waste streams is generated from at least one original raw material (see Fahey, column 11, lines 20-45) and the reusable raw materials resulting from the recovery are different than the original raw material (see Suzuki et al, column 24, lines 20-52.)

As to claims 25 and 32, Suzuki et al as modified teaches wherein the waste stream monitoring module (see Suzuki et al, column 2, lines 58-63, see column 4, lines 41-42, and see Sziklai et al, column 7, lines 25-33, see column 8, lines 25-31, and see column 32, lines 9-11) receives batch composition information associated with the plurality of waste streams via the waste stream provider interface and communications link (see Sziklai et al, column 9, lines 27-42, and see column 11, lines 2-13) and the waste stream monitoring module determines the amount of reusable raw material based on the batch composition information (see Suzuki et al, column 23, lines 20-25, and see column 34, lines 15-54.)

As to claim 26, Suzuki et al teaches a method for recycling raw materials from a plurality of streams generated by waste stream providers (see Abstract, and see column 1, lines 4-6.) For the remaining steps of this claim, the applicant is kindly directed to the remarks and discussions made in claim 19 above.

*Response to Arguments*

4. Applicant's arguments filed on 01-March-2004 with respect to the rejected claims in view of the cited references have been fully considered but they are moot in view of the new grounds for rejection.

*Conclusion*

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (703) 305-4887. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

tm

May 4, 2004



DOV POPOVICI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100